

Intellectual Property Demystified

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Overview

- Why protect intellectual property?
- Registered Trade Marks
- Copyright
- Registered Designs
- Confidential Information
- Patents
- Where to get advice?
- When to get advice?
- Ballpark costs
- Background information sources



Example Product

- NESCAFÉ® GOLD BLEND®
- Launched in 1965
- Around 7 million cups are now drunk daily in the UK
- Relaunched in 2000 with aroma capture technology.



Why protect intellectual property?



- Innovative businesses succeed because of the creativity of their people, usually their founders
- Intellectual property rights convert creativity into business assets that are independent of the people
- The value of the IPR is in the potential to exclude all others from exploiting your creative work



Registered Trade Marks



- Protect brands
- A sign capable of distinguishing the goods or services of one undertaking from those of other undertakings – a distinctive sign
- Must not conflict with existing registrations for similar goods or services
- Cost-effective Europe-wide protection available
- Lasts for ten years and can be renewed forever



Nestlé Registered Trade Marks

- NESTLÉ®
- NESCAFÉ®
- GOLD BLEND®

NESCAFÉ



Copyright

- Protects original literary, dramatic, artistic and other works, including software, photographs, manuals, etc.
- No protection for concepts or ideas, just the way they are expressed
- Arises automatically = free
- Protects against copying, adaptation, etc.
- Need good records of creation date and author
- Consider ownership when using contractors



Nestlé Copyright Protection

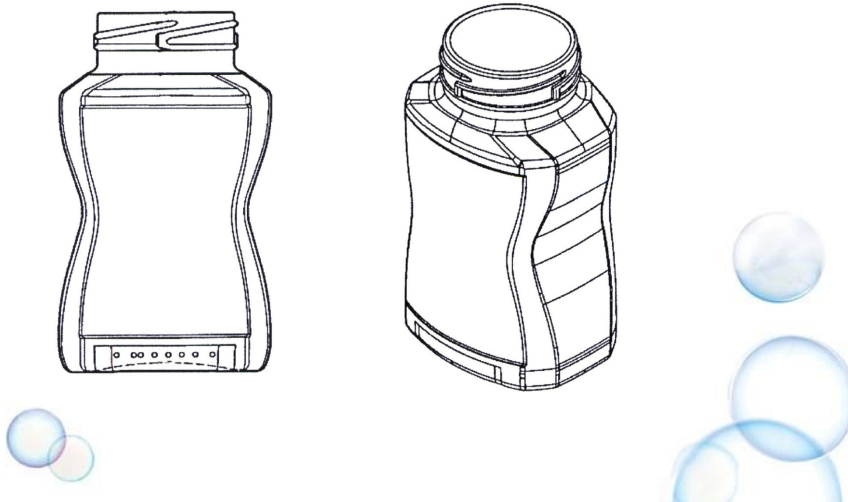
- Label artwork
- Label wording
- Advertising



Design Rights

- Protect appearance of product – shape, colour, ornamentation etc. – NOT function
- Designs must be “new and of individual character”
- Unregistered Design Right arises automatically in Europe = free
- Registered Design protection lasts longer and is stronger
- In Europe or USA, application can be filed up to one year from first marketing
- Cost-effective Europe-wide protection available

Nestlé Registered Design



Confidential Information

- Some know-how may be kept secret
- BUT if the secret gets out all protection is lost
- Nestlé Secrets?
 - Processing methods?
 - Selection of beans?
 - Sources of supply?



Patents

- Protect technology (high or low)
- The invention must be absolutely new – kept secret until the patent application is filed
- Need an “inventive step” – a bit more than just a routine development
- Some things are excluded from patent protection



The Patent Process

- The patent application has to explain in technical detail how to carry out the invention
- The Intellectual Property Office searches for what was known (“prior art”) before the application was filed
- Patent application is published
- If the invention is new, inventive and not excluded, a patent is granted
- The patentee can stop anyone else using the invention commercially for 20 years



International Patent Protection



- Patent are national rights
- Usually, file first patent application in the UK
- Within 12 months can file an international patent application provisionally covering over 140 countries
- Within next 18 months the international application must be converted into national applications – this can be expensive



Nestlé Patent Application – Process



- A process for the recovery of aroma components from fresh coffee grounds, the process comprising:
- wetting the coffee grounds,
- heating the coffee grounds,
- exposing the coffee grounds to decreased pressure for providing aroma containing gas, and
- capturing the aroma containing gas.

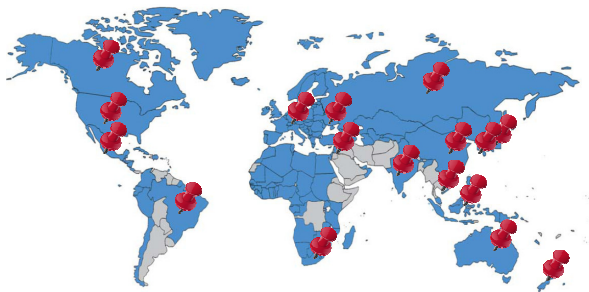


Nestlé Patent Application - Product

- An aromatised, spray-dried soluble coffee powder which
- when reconstituted in water to a solid content of 3.3% by weight of the reconstituted beverage comprises a concentration of aroma volatile of
- at least 50 ppm for the sum of aroma compounds having a retention index < 1130, and
- at least 4 ppm for the sum of aroma compounds having a retention index of between 1130 and 1430.



Nestlé Patent Application - Coverage



- Nestlé have covered only Australia, Brazil, Canada, China, European Patent Office, Indonesia, Israel, India, Japan, Korea, Mexico, New Zealand, Russia, Singapore, Ukraine, USA and South Africa



Where to get advice?

- Patent and trade mark attorneys specialise in protecting intellectual property
- Some solicitors also specialise in intellectual property, particularly licensing and litigation
- Good intellectual property advice is a valuable investment in an innovation-based business and worth paying for

When to get advice?

- At the start of product development
 - To consider patenting
 - To consider other people's patents
- When planning the launch of a product
 - To assess patent or design infringement risks
 - To consider design registrations
 - To select a brand name that is clear of others' registrations and can be registered

Ballpark costs

	Patent	EU Trade Mark
First 12 months	£5,000	£2,200
Next 18 months	£5,000	
At 30 months	£10,000 or more	£500 a year for watching
Lifetime	£100,000 or more	£1,500 every 10 years

Background information sources

- ep.espacenet.com Esp@cenet patent database
- www.ipo.gov.uk The Intellectual Property Office
- www.wipo.int World Intellectual Property Organisation
- www.cipa.org.uk Chartered Institute of Patent Attorneys
- www.itma.org.uk Institute of Trade Mark Attorneys

Summary

- Trade marks protect brands
- Copyright protects literary and artistic works
- Registered designs protect a product's appearance
- Secrecy can be used as protection
- Patents protect technology
- Get professional advice as early as possible



Thank you

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